

**IN THE CLAIMS:**

Please **AMEND** claim 1, as follows:

1. (CURRENTLY AMENDED) A recording medium for use with a recording and/or reproducing apparatus, the recording medium comprising:

a record layer comprising a lead-in area, a data area, and a lead-out area;

a defect management area in at least one of the lead-in area and/or the lead-out area;

and

a temporary defect management area in at least one of the lead-in area and/or the lead-out area and which includes temporary defect information and temporary defect management information ~~including an address of a last recorded unit of user data in the data area~~ used by the recording and/or reproducing apparatus in performing defect management,

wherein the temporary defect management information includes an address of a last recorded unit of user data in the data area.

2. (PREVIOUSLY PRESENTED) A recording medium for use with a recording and/or reproducing apparatus, the recording medium comprising:

a first record layer comprising a lead-in area, a data area, and a first outer area;

a second record layer comprising a second outer area, a data area, and a lead-out area;

a defect management area in at least one of the lead-in area, the first outer area, the second outer area, the lead out area, or combinations thereof;

a temporary defect management area in at least one of the lead-in area, the first outer area, the second outer area, the lead out area, or combinations thereof, and which includes temporary defect information and temporary defect management information, which includes at least one of an address of a last recorded unit of user data in the data area, write protection information of the recording medium, location information of a test area of the recording medium, or combinations thereof, used by the recording and/or reproducing apparatus in performing defect management.

3. (PREVIOUSLY PRESENTED) The recording medium of claim 1, wherein the temporary defect management information further includes write protect information of the recording medium and/or location information of a test area of the recording medium.

4. (PREVIOUSLY PRESENTED) The recording medium of claim 3, wherein:

the data is written to the data area in discrete recording operations, and  
the write protect information is recorded for each of the recording operations.

5. (PREVIOUSLY PRESENTED) The recording medium of claim 1, further comprising a drive & disc information area in at least one of the lead-in area and/or lead-out area and which includes information regarding locations of the temporary defect information and the temporary defect management information used by the recording and/or reproducing apparatus in performing defect management.

6. (PREVIOUSLY PRESENTED) The recording medium of claim 1, wherein the temporary defect information and the temporary defect management information are recorded in each recording operation in which data is recorded in the data area.

7. (PREVIOUSLY PRESENTED) The recording medium of claim 1, further comprising a plurality of at least one of the defect management area and/or the temporary defect management area.

8. (PREVIOUSLY PRESENTED) The recording medium of claim 1, wherein the address of the last recorded unit of the user data comprises a physical sector number of the last physical sector in the data area recorded with the user data.

9. (PREVIOUSLY PRESENTED) The recording medium of claim 1, wherein the temporary defect management information further includes an address of a last recorded unit of replacement data which was recorded in a spare area of the recording medium to replace a defective area of the recording medium.

10-13. (CANCELLED)

14. (PREVIOUSLY PRESENTED) A recording and/or reproducing apparatus for use with a recording medium, the apparatus comprising:

a recording/reading unit that records and/or reads data with respect to the recording medium; and

a controller that controls the recording/reading unit to:

record information regarding a defect in a data area of the recording medium, as temporary defect information in a temporary defect management area of the recording medium; and

record management information for managing the temporary defect information as temporary defect management information in the temporary defect management area, the management information including an address of a last recorded unit of user data in the data area.

15. (PREVIOUSLY PRESENTED) The recording and/or reproducing apparatus of claim 14, wherein the controller controls the recording/reading unit to record the management information to further include write protect information of the recording medium and/or location information of a test area of the recording medium.

16. (ORIGINAL) The recording and/or reproducing apparatus of claim 14, wherein the controller controls the recording/reading unit to record the data in the data area in discrete recording operations, and to record the temporary defect information and the temporary defect management information for each of the recording operations.

17. (ORIGINAL) The recording and/or reproducing apparatus of claim 14, wherein the controller controls the recording/reading unit to record the data in the data area in discrete recording operations, and to record the temporary defect management information to include test location information and write protect information for each of the recording operations.

18-25. (CANCELLED)

26. (PREVIOUSLY PRESENTED) A recording medium for use with a recording and/or reproducing apparatus, the recording medium comprising:

a lead-in area;

a lead-out area;

a data area disposed between the lead-in and lead-out areas and in which data is recorded and/or from which data is reproduced; and

a temporary defect management area in at least one of the lead-in area and/or the lead-out area and which includes temporary defect management information used by the recording and/or reproducing apparatus for defect management of the recording medium, the temporary defect management information including an address of a last recorded unit of user data in the data area.

27. (PREVIOUSLY PRESENTED) The recording medium of claim 26, wherein the temporary defect management area further includes temporary defect information managed by the temporary defect management information and used by the recording and/or reproducing apparatus in performing the defect management.

28. (PREVIOUSLY PRESENTED) The recording medium of claim 27, wherein:  
the data is recorded in corresponding recording units, and  
each recording unit has a corresponding pair of the temporary defect information and temporary defect management information for performing defect management with respect to at least the recording unit.

29. (PREVIOUSLY PRESENTED) The recording medium of claim 26, further comprising a drive & disc information area in at least one of the lead-in area and/or the lead-out area and which includes information regarding a location of the temporary defect management information.

30. (PREVIOUSLY PRESENTED) The recording medium of claim 29, wherein the drive & disc information area includes write protection information with regard to recorded data in the data area, and a recordable area such that, if the write protection information indicates that the disc is write protected, additional write protection information is writeable to the recordable area such that the recording and/or reproducing apparatus can change a write protection status of the recording medium to again allow recording in the data area.

31. (PREVIOUSLY PRESENTED) The recording medium of claim 30, wherein the drive & disc information area further includes information about a type of drive and information about a type of recording medium.

32. (PREVIOUSLY PRESENTED) The recording medium of claim 26, further comprising a test area in which the data is not to be recorded and in which the recording and/or reproducing apparatus performs a test on the recording medium.

33. (PREVIOUSLY PRESENTED) The recording medium of claim 26, wherein the temporary defect management information further includes write protection information with regard to recorded data in the data area.

34. (PREVIOUSLY PRESENTED) The recording medium of claim 26, wherein the temporary defect management information further includes information about a type of drive and information about a type of recording medium.

35. (PREVIOUSLY PRESENTED) The recording medium of claim 26, further comprising a test area in which the data is not to be recorded and which is reserved for the recording and/or reproducing apparatus to perform a test on the recording medium, wherein the temporary defect management information further includes information about the test area.

36. (PREVIOUSLY PRESENTED) The recording medium of claim 26, further comprising a spare area in which is recorded replacement data which is used by the recording and/or reproducing apparatus to replace a portion of the data area in which a defect is detected, wherein the temporary defect management information further includes an address of a last recorded unit of replacement data which was recorded in the spare area.

37-49. (CANCELLED)

50. (PREVIOUSLY PRESENTED) The recording medium of claim 1, wherein the recording medium is a write once disc.

51. (PREVIOUSLY PRESENTED) The recording medium of claim 1, wherein the temporary defect management information further includes position information of a replacement area in a spare area of the recording medium to be next recorded.

52. (PREVIOUSLY PRESENTED) The recording medium of claim 51, wherein the position information of the replacement area comprises a physical sector number of a next usable spare cluster in the spare area.

53. (PREVIOUSLY PRESENTED) The recording medium of claim 1, wherein a last recorded temporary defect information and a last recorded temporary defect management information, which are lastly recorded in the temporary defect management area are recorded in the defect management area for finalization of the recording medium.

54. (PREVIOUSLY PRESENTED) The recording medium of claim 2, wherein a last recorded temporary defect information and a last recorded temporary defect management information, which are lastly recorded in the temporary defect management area, are recorded in the defect management area, for finalization of the recording medium.

55. (PREVIOUSLY PRESENTED) A recording medium for use with a recording and/or reproducing apparatus, the recording medium comprising:

a record layer comprising a lead-in area, a data area, and a lead-out area;

a defect management area in at least one of the lead-in area and/or the lead-out area;

and

a temporary defect management area in at least one of the lead-in area and/or the lead-out area and which includes temporary defect information and temporary defect management information including location information of a test area of the recording medium.

56. (PREVIOUSLY PRESENTED) The recording medium of claim 55, wherein a last recorded temporary defect information and temporary defect management information, which are lastly recorded in the temporary defect management area, are recorded in the defect management area for finalization of the recording medium.

57. (PREVIOUSLY PRESENTED) The recording medium of claim 55, wherein the test area is a testable area where recording conditions are tested.

58. (PREVIOUSLY PRESENTED) A recording medium for use with a recording and/or reproducing apparatus, the recording medium comprising:

a record layer comprising a lead-in area, a data area, and a lead-out area;

a defect management area in at least one of the lead-in area and/or the lead-out area;  
and

a temporary defect management area in at least one of the lead-in area and/or the lead-out area and which includes temporary defect information and temporary defect management information including write protection information of the recording medium.

59. (PREVIOUSLY PRESENTED) The recording and/or reproducing apparatus of claim 14, wherein the controller controls the recording/reading unit to record information regarding locations of the temporary defect information and the temporary defect management information in a drive & disc information area of the recording medium.

60. (PREVIOUSLY PRESENTED) The recording and/or reproducing apparatus of claim 14, wherein the address of the last recorded unit of user data comprises a physical sector number of the last physical sector in the data area recorded with the user data.

61. (PREVIOUSLY PRESENTED) The recording and/or reproducing apparatus of claim 14, wherein the recording medium is a write once disc.

62. (PREVIOUSLY PRESENTED) The recording and/or reproducing apparatus of claim 14, wherein the controller controls the recording/reading unit to record the management information to further include an address of a last recorded unit of replacement data which was recorded in a spare area of the recording medium to replace a defective area of the recording medium.

63. (PREVIOUSLY PRESENTED) The recording and/or reproducing apparatus of claim 14, wherein the controller controls the recording/reading unit to record the management information to further include position information of a replacement area in a spare area of the recording medium to be next recorded.

64. (PREVIOUSLY PRESENTED) The recording and/or reproducing apparatus of claim 63, wherein the position information of the replacement area comprises a physical sector number of a next usable spare cluster in the spare area

65. (PREVIOUSLY PRESENTED) The recording and/or reproducing apparatus of claim 14, wherein the controller controls the recording/reading unit to record a last recorded temporary defect information and temporary defect management information, which are lastly recorded in the temporary defect management area, in a defect management area of the recording medium during finalization of the recording medium.

66. (PREVIOUSLY PRESENTED) A recording and/or reproducing apparatus for use with a recording medium, the apparatus comprising:

- a recording/reading unit that records data on and/or reads data with respect to the recording medium; and

- a controller that controls the recording/reading unit to:

- record information regarding a defect in a data area of the recording medium, as temporary defect information in a temporary defect management area of the recording medium, and

- record management information for managing the temporary defect information as temporary defect management information in the temporary defect management area, the management information including location information of a test area of the recording medium.

67. (PREVIOUSLY PRESENTED) A recording and/or reproducing apparatus for use with a recording medium, the apparatus comprising:

- a recording/reading unit that records data on and/or reads data with respect to the recording medium; and

- a controller that controls the recording/reading unit to:

- record information regarding a defect in a data area of the recording medium, as temporary defect information in a temporary defect management area of the recording medium, and

- record management information for managing the temporary defect information as temporary defect management information in the temporary defect management area, the management information including write protection information of the recording medium.

68. (PREVIOUSLY PRESENTED) The recording medium of claim 26, further comprising a spare area in which is recorded replacement data which is used by the recording and/or reproducing apparatus to replace a portion of the data area in which a defect is detected,



wherein the temporary defect management information further includes position information of a replacement area in the spare area to be next recorded.

69. (PREVIOUSLY PRESENTED) The recording medium of claim 68, wherein the position information of the replacement area comprises a physical sector number of a next usable spare cluster in the spare area.

70. (PREVIOUSLY PRESENTED) The recording medium of claim 26, wherein the address of the last recorded unit of user data comprises a physical sector number of the last physical sector in the data area recorded with the user data.

71. (PREVIOUSLY PRESENTED) The recording medium of claim 26, wherein the recording medium is a write once disc.